

REMARKS

Status of Claims

Claims 3 – 5, and 11 - 43 have been cancelled. Certain of these claims are being pursued by way of continuation application filed concurrently herewith. Thus, claims 1 and 6 – 10 are currently pending.

Summary of Office Action

The Examiner has rejected claims 1 and 3-43 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,708,780 to Levergood (Levergood) in view of U.S. Patent No. 5,873,076 to Barr (Barr). With respect to claims 1, 3, 4 and 6 – 43 the Examiner asserts that all claim elements are shown in Levergood except for the limitation relating to analyzing and scanning a web page. According to the Examiner, this is shown in Barr and it would be obvious “to modify the internet server of Levergood by including the limitation detailed above as taught by Barr because this would judge and categorize the subject of each document.” With regard to claim 5, the examiner states that Levergood discloses the claimed limitations.

The Office Action has been carefully reviewed. Reconsideration of the grounds for the rejection is respectfully requested in view of the amendments and remarks herein.

Response

As claims 3 – 5, and 11 - 43 have been cancelled, the rejections as to those claims are rendered moot with regard to this application.

With regard to the rejection of claim 1 in view of Levergood and Barr, the Applicant first notes the Examiner’s reference to a “newly added” limitation “wherein the code includes a comparison mechanism for determining of the content includes terms that

are antithetical to products promoted or to be promoted on said web pages.” This limitation was deleted in the Applicant’s Amendment dated November 24, 2003, not added. A series of other limitations were also deleted from claim 1, as indicated by brackets.

Claim 1 requires a storage component for storing information related to products/services promoted/to be promoted on one or more web pages. Claim 1 further requires web access and scanning code which downloads a select web page and examines the content on the page. A processor is included in the system of claim 1 which compares the content on the select web page with the stored information and makes an assessment based on the comparison.

Levergood discloses a method for controlling and monitoring access to network servers. A summary of Levergood is provided in Applicant’s Amendment dated November 24, 2003. Barr teaches a split-server architecture for processing a search query provided by a user and identifying and retrieving documents from a database corresponding to the query. Abstract.

Neither Levergood nor Barr, alone or in combination, disclose, teach or suggest the limitations of claim 1. As admitted by the Examiner, Levergood fails to disclose, at least, a comparison mechanism for comparing content on a select web page with stored information and making assessments based on the comparison. Barr discloses, at best, comparing a user query to documents in a database and, thus, fails to make up for this deficiency in Levergood. In addition, there is no suggestion in Levergood to combine the features of Barr with those of Levergood to arrive at the combination claimed in claim 1, nor does the Examiner cite to any such suggestion.

With regard to claim 6 (and thus claims 7 – 10 which depend therefrom) this claim requires one or more Content Providers with web pages which include linking instructions associated with select promotions; a Clearinghouse server which automatically tracks user interactions with the promotions and comprises programming for detecting fraudulent activity relating to the promotions; and Merchant sites interconnected to the network and available for providing goods/services to users referred to the Merchant site by the linking instructions.

In the Office Action, the Examiner fails even to state his belief of how the limitations of claims 6 – 10 are purportedly met by the cited references and, thus, fails to make a prima facie case of obviousness or anticipation. Indeed, the references fail to disclose, teach or suggest, at a minimum, the interaction among the Content Providers, Clearinghouse server and Merchant sites required by these claims, as well as the programming included in the Clearinghouse server for detecting fraudulent activity relating to the promotions.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the pending claims are in condition for allowance. Applicant respectfully requests the withdrawal of the rejection of the claims and the timely allowance of the pending claims.

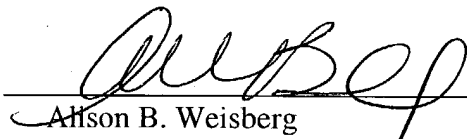
Please charge any fees due in connection with this response, including the fees due for the petition for extension of time, to our Deposit Account No. **50-0310**.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

Dated: June 14, 2004

By: _____


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